

REMARKS

Claims 1, 2, 5-7, 13, 16-20, 24-26, 30-32, 38-55, 57, 58, 63-76, 78, 81 and 82 are pending in the present application. Applicants appreciate the thorough examination of the present application as evidenced by the Office Action dated October 19, 2007 (hereinafter, the "Office Action"). Applicants further appreciate the Examiner's indication that the pending claims, excluding Claim 40, are allowed.

Claims 40 and 78 are canceled herein without prejudice and new Claims 83-87 are added herein. In addition, Claims 13, 17-20, 24-32, 38, 39, 41, 42 and 81 are amended herein to correct minor errors in the claims. Applicants submit that the new claims and amendments are fully supported by the specification as originally filed, and thus, no new matter is added by the new claims and amendments. As such, their entry and consideration is respectfully requested.

In particular, Applicants note that in claims 13, 17, 18-20, 24-26, 30-32, 38, 39, 41 and 42, D is amended to recite CH instead of CH₂. Support for these amendments is based on the fact that in Claim 1, D must be present and is connected to three different functional groups: 1) G, or the adjacent carbonyl if w is 0; 2) A or J (because the sum of x and y is 1-6); and 3) E, or if z is 0, D is attached to the phenylene ring. Therefore, as D is already attached to three other substituents, D cannot be CH₂ and should instead be CH. Applicants also direct the Examiner to compound IV on page 30 of the specification. Here, D is referred to as being CH₂, but is clearly CH based on the structure of compound IV. Therefore, one of ordinary skill in the art would understand that D was inadvertently referred to as CH₂ instead of CH.

Support for new Claims 83 and 84 can be found, for example, in para. 12 (Formula II, wherein A and E are absent and y is 1) of the original specification. Additionally, support for new Claim 85 can be found, for example, on page 100 of the specification.


In Re: Sergei Agoulnik
Serial No.: 10/501,120
Filed: December 20, 2004
Page 23 of 23

New Claims 86 and 87 depend from Claim 1 and recite specific compounds from the table on pages 96-109 of the specification, and all of these compounds are encompassed by the generic structure recited in Claim 1. As Claim 1 has been allowed, Applicants submit that new Claims 86 and 87 should also be allowed, at least per the patentability of Claim 1 from which they depend.

Claim 40 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. *See* Office Action, page 2. More specifically, the Office Action states, "It depends on claim 1. In it x and z are 0 and y is 1. Thus, the sum is 1. However, claim 1 recites the sum of x, y and z as 2-6." Office Action, page 2. Claim 40 is canceled herein without prejudice, thereby rendering the present rejection moot. As such, Applicants respectfully request that the rejection be withdrawn.

Applicants believe this application is now in condition for allowance, which action is respectfully requested. The Examiner is encouraged to contact the undersigned directly at (919) 854-1400 in order to expedite the allowance of the pending claims.

Respectfully submitted,

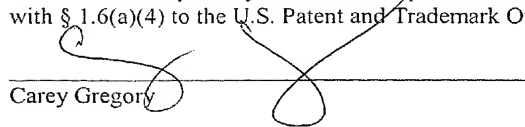


Dolores W. Herman
Registration No. 51,800

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428, Raleigh, NC 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on March 19, 2008.



Carey Gregory